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TO SECSTATE WASHDC PRIORITY 4285
INFO USINT HAVANA PRIORITY

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DEPT FOR IO/UNP AND/CCA

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.

☒ Release () Excise () Deny ☒ Declassify

Date 11/27/02 Exemption _____

E.O. 12958: DECL: 11/25/02

TAGS: OFDP, CU, UN

SUBJECT: CUBAN MISSION FAILS TO REGISTER INCOMING
- DIPLOMATS

REF: MOLLER/BOESEL TELECONS

1. CLASSIFIED BY: ROBERT C. MOLLER, MINISTER-COUNSELOR
FOR HOST COUNTRY AFFAIRS.

REASON: 1.5 (D)

2. ON OCTOBER 3, USUN RETURNED TO THE UNITED NATIONS

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OFFICE OF PROTOCOL (UNPO) THE REQUESTS OF THE CUBAN
MISSION THAT THREE MISSION MEMBERS BE ACCORDED
DIPLOMATIC PRIVILEGES AND IMMUNITIES AS ATTACHES. WHEN
RETURNING THE REQUESTS WITHOUT ACTION, USUN NOTED THAT
ONE OF THE THREE INDIVIDUALS HAD ARRIVED IN THE UNITED
STATES ON JULY 10 AND THE OTHER TWO ON JULY 26. USUN
THEN REQUESTED UNPO GET AN EXPLANATION FROM THE CUBANS
REGARDING THE LONG DELAY BETWEEN TIME OF ARRIVAL AND
TIME OF ACCREDITATION. THE CUBAN MISSION SUBSEQUENTLY
SENT UNPO A RATHER TESTY NOTE (TEXT IN PARA 5 BELOW)

INFORMING IT THAT (A) THE DELAY IN ACCREDITATION WAS DUE TO INTERNAL PERSONNEL CHANGES AT THE MISSION, BUT THAT (B) THE MISSION KNEW OF NO WRITTEN REGULATION ESTABLISHING A TIME PERIOD FOR THE ACCREDITATION OF DIPLOMATS AT THE UNITED NATIONS. ALTHOUGH USUN HAS NOW REGISTERED THE THREE ATTACHES AND ACCORDED THEM DIPLOMATIC PRIVILEGES AND IMMUNITIES, IT STILL EXPECTS TO RECEIVE AN ACCEPTABLE EXPLANATION BEHIND THE ACCREDITATION DELAY. IF AN EXPLANATION IS NOT FORTHCOMING, USUN WILL CONSIDER RAISING THE ISSUE IN THE HOST COUNTRY RELATIONS COMMITTEE.

3. WITH DEPARTMENT CONCURRENCE, USUN HAS REPLIED TO THE CUBAN MISSION AS FOLLOWS:

BEGIN TEXT:

THE UNITED STATES MISSION TO THE UNITED NATIONS PRESENTS ITS COMPLIMENTS TO THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS AND HAS THE HONOR TO REFER TO THE LATTER'S NOTE NUMBER 573 OF OCTOBER 20, 1997 REGARDING THE DELAY IN THE NOTIFICATION OF APPOINTMENT TO THE MISSION OF MESSRS. HERNANDEZ GUERRA, MILIAN SUAREZ AND

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POMPA FERNANDEZ.

IN ITS NOTE, THE PERMANENT MISSION OF CUBA EXPLAINED THAT, HERETOFORE, IT HAD BEEN UNAWARE OF ANY WRITTEN DIRECTIVES ESTABLISHING A TIME FRAME FOR REQUESTS TO ACCREDIT OFFICIALS TO THE PERMANENT MISSION.

UNITED NATIONS DOCUMENT ST/SG/4, MANUAL OF PROTOCOL OF THE UNITED NATIONS, SECTION V: "REGISTRATION OF MEMBERS OF PERMANENT/OBSERVER MISSIONS" STATES:

- "THE NAMES OF ALL MEMBERS OF PERMANENT MISSIONS, WHETHER DIPLOMATIC OR NON-DIPLOMATIC, AND OF THEIR FAMILIES AND HOUSEHOLD EMPLOYEES SHOULD, UPON THEIR ARRIVAL AT HEADQUARTERS, BE COMMUNICATED TO THE SECRETARY-GENERAL IN ACCORDANCE WITH GENERAL ASSEMBLY RECOMMENDATIONS."

ONCE A RESIDENT MEMBER OF A PERMANENT MISSION HAS BEEN NOTIFIED TO THE UNITED STATES MISSION THROUGH THE UNITED NATIONS OFFICE OF PROTOCOL, AND HAS BEEN ACCEPTED, SECTION 15 OF THE UNITED NATIONS HEADQUARTERS AGREEMENT REQUIRES THE HOST COUNTRY TO ACCORD TO SUCH RESIDENT REPRESENTATIVES OF MEMBER STATES THE SAME PRIVILEGES AND IMMUNITIES AS IT ACCORDS DIPLOMATIC ENVOYS ACCREDITED TO IT.

SUCH PRIVILEGES AND IMMUNITIES ARE SET FORTH IN ARTICLE 10 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS,

WHICH STATES:

- "1. THE MINISTRY OF FOREIGN AFFAIRS OF THE RECEIVING STATE, OR SUCH OTHER MINISTRY AS MAY BE AGREED, SHALL BE

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NOTIFIED OF: (A) THE APPOINTMENT OF MEMBERS OF THE MISSION, THEIR ARRIVAL AND THEIR FINAL DEPARTURE OR THE TERMINATION OF THEIR FUNCTIONS WITH THE MISSION;...
- 2. WHERE POSSIBLE, PRIOR NOTIFICATION OF ARRIVAL AND FINAL DEPARTURE SHALL ALSO BE GIVEN."

IN ADDITION, THE UNITED STATES MISSION REMINDS THE PERMANENT MISSION OF CUBA THAT THE CUBAN MINISTRY OF EXTERNAL RELATIONS OFFICIALLY REQUESTED THAT THE UNITED STATES ISSUE OFFICIAL G-1 VISAS TO THE THREE INDIVIDUALS IN QUESTION. THEY WERE GIVEN THESE OFFICIAL VISAS EXPRESSLY TO PERMIT THEM TO ENTER THE UNITED STATES IN ORDER TO TAKE UP POSITIONS WITH THE PERMANENT MISSION OF CUBA. THE PERMANENT MISSION SHOULD HAVE ADVISED THE UNITED NATIONS OFFICE OF PROTOCOL OF THE APPOINTMENT OF THESE INDIVIDUALS AS MEMBERS OF THE MISSION AS SOON AS THEY ARRIVED SO THAT THEY COULD HAVE BEEN ACCREDITED BY THE HOST COUNTRY IN THE POSITIONS FOR WHICH THEIR UNITED STATES VISAS WERE ISSUED.

IT IS ONLY UPON NOTIFICATION TO THE UNITED STATES MISSION THROUGH THE UNITED NATIONS OFFICE OF PROTOCOL THAT PERSONNEL AT PERMANENT MISSIONS ENJOY OFFICIAL

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STATUS IN THE UNITED STATES AND CAN BE ACCORDED
APPROPRIATE DIPLOMATIC OR FUNCTIONAL IMMUNITY. FURTHER,
UNTIL SUCH TIME AS THE OFFICIAL IS REGISTERED WITH THE
UNITED NATIONS OFFICE OF PROTOCOL, A UNITED NATIONS
GROUNDS PASS, NEEDED FOR ACCESS TO HEADQUARTERS FOR THE
EXERCISE OF OFFICIAL FUNCTIONS, IS NOT ISSUED. SUCH A
PASS BEING ESSENTIAL TO THE PREPONDERANCE OF OFFICIAL UN
FUNCTIONS, A PERSON'S FAILURE TO COMPLETE THESE
PROCEDURES IMMEDIATELY UPON ARRIVAL PLAINLY INDICATES
THAT SUCH PERSON WAS NOT IN FACT CONDUCTING SUCH

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FUNCTIONS, BUT WAS ENGAGED IN ACTIVITIES OTHER THAN
THOSE ON WHICH ISSUANCE OF THE VISA WAS PREMISED. THIS
PARTICULAR FACT CAUSES THE HOST COUNTRY CONSIDERABLE
CONCERN, AND THE UNITED STATES MISSION THEREFORE
REQUIRES AN EXPLANATION REGARDING THE ACTIVITIES OF THE
THREE INDIVIDUALS IN THE UNITED STATES BETWEEN THE DATE
OF THEIR ARRIVAL AND DATE OF THEIR REGISTRATION,
ACTIVITIES THAT MAY HAVE BEEN IN VIOLATION OF THEIR
UNITED STATES VISA STATUS, OR THAT MAY INDICATE ACTS
OTHERWISE IN VIOLATION OF UNITED STATES LAW.

IN THE FUTURE, THE UNITED STATE MISSION EXPECTS THAT THE
PERMANENT MISSION OF CUBA WILL PROMPTLY NOTIFY THE
UNITED NATIONS OFFICE OF PROTOCOL OF THE ARRIVALS AND
DEPARTURES OF ITS STAFF UPON THEIR RESPECTIVE ASSUMPTION
AND TERMINATION OF DUTY.

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(COMPLIMENTARY CLOSE). END TEXT.

5. ORIGINAL SPANISH TEXT OF CUBAN NOTE:

LA MISION PERMANENTE DE CUBA ANTE LAS NACIONES UNIDAS SALUDA ATENTAMENTE A LA OFICINA DE PROTOCOLO Y ENLACE DE LAS NACIONES UNIDAS Y CON RELACION A LA COMUNICACION DE FECHA 3 DE OCTUBRE DE 1997, DIRIGIDA A ESA OFICINA POR LA MISION DE LOS ESTADOS UNIDOS ANTE LAS NACIONES UNIDAS, CON LA CUAL SE DEVOLVIERON A LA OFICINA DE PROTOCOLO Y ENLACE LAS SOLICITUDES DE ACREDITACION DE TRES DIPLOMATICOS CUBANOS, LA MISION PERMANENTE DESEA INFORMAR QUE LA DEMORA EN LA ACREDITACION DE LOS FUNCIONARIOS DIPLOMATICOS CUBANOS, SEÑORES SILVERIO HERNANDEZ GUERRA, ROBERTO CESAR MILIAN SUAREZ Y LUIS ENRIQUE POMPA FERNANDEZ, SE DEBIO A ARREGLOS INTERNOS EN

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EL TRABAJO DE LA MISION PERMANENTE DE CUBA Y AL HECHO DE QUE ESTA REPRESENTACION DIPLOMATICA NO CONOCE QUE EXISTA NINGUNA REGULACION ESCRITA EN CUANTO AL TIEMPO ESTABLECIDO PARA LA ACREDITACION DE LOS FUNCIONARIOS DE LAS MISIONES PERMANENTES ANTE LAS NACIONES UNIDAS.
(COMPLIMENTARY CLOSE). END TEXT.
RICHARDSON

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